



INTERIOR BOARD OF INDIAN APPEALS

Jude Stensgar v. Northwest Regional Director, Bureau of Indian Affairs

37 IBIA 220 (04/15/2002)

Denying reconsideration of:
37 IBIA 132



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

JUDE STENSGAR,
Appellant

v.

NORTHWEST REGIONAL DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Reconsideration
:
:
:
: Docket No. IBIA 01-98-A
:
:
: April 15, 2002

On February 6, 2002, the Board affirmed a decision of the Northwest Regional Director, Bureau of Indian Affairs, which declined to grant retroactive approval to a sale of trust land owned by Ethel Bakke. 37 IBIA 132. On April 11, 2002, the Board received a letter from Appellant Jude Stensgar, the would-be purchaser. Appellant's letter states:

In your haste to protect the Bureau of Indian Affairs employees and Ethel Bakke you failed to include a decision pertaining to the return of the \$3000 I paid Ethel. Did you decide she could keep the money and the land, too?

Request you render a legal decision pertaining to the \$3000 I paid her for the land. Don't set me up for another seven (7) year legal confrontation with your battery of solicitors.

Please advise me at your earliest convenience. Thanks.

The Board construes Appellant's letter as a petition for reconsideration under 43 C.F.R. § 4.315. 43 C.F.R. § 4.315(a) provides that a petition for reconsideration "must be filed with the Board within 30 days of the date of the decision." Appellant's letter is postmarked April 9, 2002, and must therefore be denied as untimely. ¹/

¹/ In an earlier letter, dated Feb. 19, 2002, and postmarked Feb. 15, 2002, Appellant expressed disagreement with the Board's decision but stated: "Your decision is accepted." Appellant's Feb. 19, 2002, Letter at 3. In light of that statement, the Board did not construe the Feb. 19, 2002, letter as a petition for reconsideration.

Even had Appellant's letter been timely, however, the Board would not have granted reconsideration for the purpose of addressing the \$3,000 payment Appellant made to Bakke. The payment of those funds was a private matter between Appellant and Bakke and their return is now a matter to be resolved between them. ^{2/} In any event, the Board is not a court of general jurisdiction and has no authority to order a private party to return funds to another private party. E.g., Dawn Mining Co. v. Portland Area Director, 20 IBIA 50, 65 (1991).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, Appellant's petition for reconsideration is denied. This decision is final for the Department of the Interior.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge

^{2/} The materials before the Board when it issued its Feb. 6, 2002, decision indicated that Bakke attempted to return the \$3,000 payment, with an additional \$200 in interest, but that Appellant refused to accept her payment. 37 IBIA at 134 and n.1.